

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**SELECTIVE INSURANCE COMPANY)
OF SOUTH CAROLINA)
Plaintiff,)
-vs-) Case No.: 2013 CV 5910
**TARGET CORPORATION,) JUDGE:
and ANGELA BROWN)
Defendants) MAGISTRATE JUDGE:****

NOTICE OF REMOVAL

Pursuant to *Title 28 U.S.C. §1441, et seq. and 28 U.S.C. § 1332*, Defendant, **TARGET CORPORATION**, by and through one of its attorneys, ROBERT M. BURKE of JOHNSON & BELL, LTD., hereby gives notice of the removal of the above captioned action from the Circuit Court of Lake County, Cause No.: 2013 MR 1456, to the United States District Court, Northern District of Illinois, Eastern Division, and in support thereof, states the following:

1. This action is being removed to federal court based upon the complete diversity of citizenship of the parties to this cause, and the existence of the requisite amount in controversy, as is also more fully set forth below.

2. On or about July 30, 2013, Plaintiff, Selective Insurance Company of South Carolina, initiated the above captioned lawsuit by the filing of a Complaint entitled *Selective Insurance Company of South Carolina v. TARGET Corporation and Angela Brown* , 2013 MR 1456, in the Circuit Court of Lake County, Illinois. A copy of the Complaint at Law is attached hereto as Exhibit "A" and incorporated herein by reference.

3. Plaintiff caused a Summons to be issued to Defendant, Target Corporation, on or about July 30, 2013. A copy of said Summons is attached hereto, labeled Exhibit "B", and incorporated herein by reference.

4. The Summons and Complaint were served upon Target Corporation's Registered Agent, CT Corporation System, on August 6, 2013. A copy of the Notice of Filing the Affidavit of Service is attached hereto as Exhibit "C".

5. The Clerk of the Circuit Court for Lake County has confirmed that no summons was issued to Angela Brown and that no appearance has been filed on her behalf.

6. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over this action pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 for the following reasons:

- (a) Plaintiff, Selective Insurance Company of South Carolina, at the time the lawsuit was commenced and at all relevant times, was incorporated in the State of Indiana and has its principal place of business in the State of Indiana; therefore, for diversity of citizenship purposes, it is a citizen of Indiana;
- (b) Defendant, Target Corporation, at all relevant times, has been a Minnesota corporation with its principal place of business in Minnesota; therefore, for diversity of citizenship purposes, it is a citizen of the State of Minnesota;
- [c] Defendant, Angela Brown, has not been served with Summons nor has she appeared;
- (d) Plaintiff seeks to avoid its duty to provide insurance coverage to Target Corporation relative to a lawsuit pending in the District Court for the Northern District of Illinois, Eastern Division, *Angela Brown v. Target Corporation*, Docket No. 2012 CV 3036, a copy of which is attached to Plaintiff's Complaint as Exhibit 2 and which has previously been removed based on diversity of citizenship and the

requisite amount in controversy having been satisfied. As Plaintiff here seeks to avoid liability for the damages arising from the underlying action, which satisfies the amount in controversy requirement for removal, so does the declaratory judgment action. Based upon the foregoing, it is the Defendant's good faith belief that while liability and damages issues will continue to be contested in the underlying action, the amount in controversy in this action exceeds \$75,000.00 exclusive of interests and costs;

- (e) This Notice of Removal is being filed with the Clerk of the United States District Court for the Northern District, Eastern Division, within 30 days of service of the Complaint and Summons and pursuant to 28 U.S.C. §1446(b), and within thirty days after receipt by the defendant, of the initial pleading and summons;
- [f] Removal, based on diversity of citizenship, is proper where all of the parties properly joined and served as defendants are diverse and where the requisite amount in controversy has been met;
- (g) This action, based upon diversity of citizenship of Plaintiff from all parties properly joined and served, and the amount in controversy having met the threshold, is, therefore, properly removable, pursuant to 28 U.S.C. §1441(a) and (b).

7. In accordance with 28 U.S.C. §1447(b) there are attached to this Notice of Removal true and accurate copies of all pleadings and process served upon the Defendant by the Plaintiff in this cause.

8. In accordance with 28 U.S.C. §1446(d), this Defendant shall give prompt written notice of the removal of this case to all parties to this lawsuit, and shall file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Defendant, **TARGET CORPORATION**, respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.

By: /s/Robert M. Burke

Robert M. Burke, one of the
Attorneys for Target Corporation

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